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CHAMBERS COPY  
JUDGE ARMSTRONG  
DO NOT FILE

5 Counsel for Defendant GONZALEZ  
6

7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA, )

No. CR-08-00901 SBA

11 Plaintiff, )

AMENDED STIPULATED REQUEST TO  
CONTINUE SENTENCING HEARING  
DATE TO NOVEMBER 17, 2009 AND  
[PROPOSED] ORDER

12 v. )

13 FERNANDO GONZALEZ, )

Hearing Date: September 29, 2009

14 Defendant. )  
15 )  
16 )

Time: 10:00 a.m.

17 On July 10, 2009, Mr. Gonzalez was convicted after a jury trial. The Court scheduled  
18 this case for sentencing on September 29, 2009 at 10:00 a.m. The parties jointly request that the  
19 Court continue the sentencing hearing to November 17, 2009 at 10:00 a.m.

20 Mr. Gonzalez and government counsel jointly request this continuance because the  
21 parties are working out the terms of a post-conviction appellate waiver and sentencing  
22 agreement. The parties would like additional time to complete these negotiations and to research  
23 the format that such an agreement would take. Moreover, the parties request additional time  
24 because both sides agree that it would be appropriate to submit any potential agreement reached  
25 to the United States Probation Office and Court well in advance of Mr. Gonzalez's sentencing  
26 date. Finally, the parties need additional time to work out this agreement because counsel for the

1 government will be in trial before Judge Wilken for approximately two weeks starting on  
2 September 14, 2009. The parties anticipate that the requested continuance will allow the parties  
3 sufficient time to work out the terms for a post-conviction appellate waiver and sentencing  
4 agreement. For this reason, the parties respectfully request that the Court grant a continuance to  
5 November 17, 2009.

6 Counsel for Mr. Gonzalez spoke with Probation Officer Brian Casai who is in the process  
7 of drafting the Pre-Sentence Investigation Report in this case. Mr. Casai informed counsel that  
8 he is in agreement with this continuance and is available to appear on November 17, 2009.

9 Because Mr. Gonzalez was convicted after trial, the parties agree that the Speedy Trial  
10 Act does not apply.

11  
12 DATED: August 20, 2009

\_\_\_\_\_  
13 /S/  
JOSHUA HILL  
Assistant United States Attorney

14  
15 DATED: August 20, 2009

\_\_\_\_\_  
16 /S/  
ANGELA M. HANSEN  
Assistant Federal Public Defender

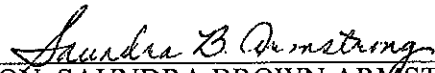
**ORDER**

Based on the reasons provided in the stipulation of the parties above, the Court hereby  
FINDS:

1. Given that the parties need additional time to negotiate the terms of and research the format for a potential post-conviction sentencing and appellate waiver agreement;
2. Given that government counsel is in trial and unavailable for approximately two weeks beginning September 14, 2009;
3. Given that the U.S. Probation Officer is in agreement with this continuance and is available to appear on November 17, 2009; and
4. Given that the Speedy Trial Act does not apply;

Based on these findings, IT IS HEREBY ORDERED that the sentencing date of September 29, 2009, scheduled at 10:00 a.m., before the Honorable Saundra Brown Armstrong, is vacated and reset for November 17, 2009, at 10:00 a.m.

DATED: 8/24/09

  
HON. SAUNDRA BROWN ARMSTRONG  
United States District Judge